

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ATLANTIC CASUALTY INSURANCE
COMPANY,

Plaintiff,

V.

CIVIL ACTION NO. 3:19-CV-01618

TAYLORMADE HEAT & AIR, LLC,
CHRISTINE GANCARZ, HARRY
HARRISON, STEVE BOTTUM, CLINT
RACHAL, GENA RACHAL, LARRY
WALTON, AMAR ALI, MICHAEL
BUCHANAN, DEBBIE CARSON, JANE
EDWARDS, BRIAN TOLIVER, PHILLIP
ST. GEORGE, SALLY YAMINI, RICHIE
BOYD, RHONDA JONES, M CENTRAL
RESIDENCES CONDOMINIUM
ASSOCIATION, INC., M CENTRAL
MASTER CONDOMINIUM
ASSOCAITON, INC. AND GREAT
AMERICAN INSURANCE COMPANY,

Defendants.

**DEFENDANT TAYLORMADE HEAT & AIR, LLC'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT SEEKING DECLARATORY JUDGMENT**

Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, Defendant Taylormade Heat & Air, LLC ("Taylormade"), hereby files its Motion to Dismiss Plaintiff's Complaint Seeking Declaratory Judgment (the "Motion to Dismiss") and respectfully states as follow:

For the reasons set forth in Taylormade's Brief in Support of Motion to Dismiss Plaintiff's Complaint, Taylormade respectfully requests that the Court, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, grants the Motion to Dismiss and dismisses Plaintiff Atlantic Casualty Insurance Company's action against Taylormade.

WHEREFORE, PREMISES CONSIDERED, Taylormade respectfully requests that this Court enter an order granting its Motion to Dismiss Plaintiff's Complaint Seeking Declaratory Judgment, and for such other and further relief to which it may be justly entitled.

Respectfully submitted,

s/ Nejat A. Ahmed

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ATTORNEYS FOR DEFENDANT,
TAYLORMADE HEAT & AIR, LLC

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served electronically via CM/ECF on this the 30th day of July, 2019 to:

Camille Johnson
William C. Vanderbilt
Savrick, Schumann, Johnson, McGarr, Kaminski, Shirley, LLP
6440 N. Central Expressway, Suite 107
Dallas, Texas 75206

/s/ Nejat A. Ahmed

Nejat A. Ahmed